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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,260	01/11/2002	Timothy Allen Shear	088305-0145	6248
22428	7590	01/14/2005	EXAMINER	
FOLEY AND LARDNER			SCHLAIFER, JONATHAN D	
SUITE 500				
3000 K STREET NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20007			2178	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/042,260	SHEAR, TIMOTHY ALLEN
	Examiner Jonathan D. Schlaifer	Art Unit 2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to application 10/026,663 filed on 12/18/2001, with prior art filed on 7/26/2002 and 11/15/2002.
2. Claims 1-36 are pending in the case. Claims 1, 14, 20, 34, and 35 are independent claims.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 18, and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims refer to “translated to substantially any other format”, which is vague and indefinite. For purposes of examination, the claims have been taken to read “translated to any other format to which the format may be converted”.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 20-33 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program alone is not statutory subject matter. The Examiner notes that embodying the computer program on a computer-readable medium would overcome this rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-14, 16-20, 23-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, August 1, 1988, US, Volume Number 31, Issue Number 3, Pages 30-31, hereinafter IBM.**
6. **Regarding independent claim 1, IBM discloses A computer implemented method of automatically storing and transmitting data in an universal format (the data processing in IBM occurs in a generalized markup language, see page 1), the method comprising the steps of: receiving a document in a first format (in IBM, the data is received in the markup language, see page 1); parsing said received document in said first format into constituent node sets (the markup language is parsed into its nodes; and semantically-tagging, indexing and storing each node set of said received document in a data store (in IBM, the nodes are processed into an indexed tree by tags to store them in a database, see pages 2-3). IBM fails to disclose that the storage and transmission occurs in a network. However, it was notoriously well known in the art at the time of the invention that data may be processed in a network in order to increase the accessibility of the data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the storage and transmission occur in a network in IBM's invention in order to increase the accessibility of the data.**

7. **Regarding dependent claim 3**, IBM discloses that said node sets comprise information couplets. (This is inherent to the structure of the data in IBM, where there are tags and the data so tagged, see page 1).
8. **Regarding dependent claim 4**, IBM discloses that said node sets are stored in a data store. (IBM stores the data in a database, which is a type of data store, see page 1).
9. **Regarding dependent claim 5**, IBM discloses that said node sets are stored in a format that can be translated to any other format to which the format may be converted. This is inherently true of any format used to store the nodes.
10. **Regarding dependent claim 6**, IBM discloses said stored node sets are stored in a format corresponding to a format of said data store. This is inherently required for the data to be successfully stored on the data store.
11. **Regarding dependent claim 7**, IBM discloses triggering a propagation of a predetermined event to an endpoint of said network by the storing of a node set in said data store (this event is the appending of the tag to the indexed tree used to store the data, described in IBM, see page 3).
12. **Regarding dependent claim 8**, IBM discloses than an endpoint in said network registers with said network for notification of said propagation of said predetermined event in said network (this is an inherent part of the propagation; without coordination/registration with the network, a propagation signal could not be sent).
13. **Regarding dependent claim 9**, IBM discloses receiving a second document (this is just repeating the step of claim 1); parsing said received second document into constituent node sets(this is just repeating the step of claim 1); indexing said each node set of said

received second document(this is just repeating the step of claim 1); storing said each node set of said received second document in said data store(this is just repeating the step of claim 1); and updating at least one of said node sets of said document previously stored in said data store which corresponds to one of said node sets of said received second document (on page 3 of IBM, IBM discusses how the indexed tree is updated if it receives additional data).

14. **Regarding dependent claim 10,** IBM discloses triggering a propagation of an event to an endpoint of said network by the storing of at least one of said node sets of said second document and updating at least one of said node sets of said document previously stored in said data store (this is an inherent part of the propagation; without coordination/registration with the network, a propagation signal could not be sent).
15. **Regarding dependent claim 11,** IBM discloses said endpoint retrieves said node sets stored in said data store upon said notification of said predetermined event (this is inherent to processing of propagation; it would be necessary to retrieved the indexed data tree in order to modify its structure).
16. **Regarding dependent claim 12,** IBM discloses receiving a second document (this is just repeating the step of claim 1); parsing said received second document into constituent node sets(this is just repeating the step of claim 1); indexing said each node set of said received second document(this is just repeating the step of claim 1); storing said each node set of said received second document in said data store(this is just repeating the step of claim 1) and appending at least one of said node sets of said received second document

to said document previously stored in said data store (the indexed data tree is expanded by appending).

17. **Regarding dependent claim 13,** IBM discloses triggering a propagation of an event to an endpoint of said network by the storing or appending of at least one of said node sets of said second document stored in said data store (the expansion of the indexed tree occurs by storing/appending, which is a propagated event).
18. **Regarding independent claim 14,** it is a system for performing the method of claim 1 and it is rejected under similar rationale.
19. **Regarding dependent claim 16,** it is a system for performing the method of claim 3 and it is rejected under similar rationale.
20. **Regarding dependent claim 17,** it is a system for performing the method of claim 4 and it is rejected under similar rationale.
21. **Regarding dependent claim 18,** it is a system for performing the method of claim 5 and it is rejected under similar rationale.
22. **Regarding dependent claim 19,** it is a system for performing the method of claim 6 and it is rejected under similar rationale.
23. **Regarding independent claim 20,** it is a computer program product that performs the method of claim 1 and is rejected under similar rationale.
24. **Regarding dependent claim 23,** it is a computer program product that performs the method of claim 3 and is rejected under similar rationale.
25. **Regarding dependent claim 24,** it is a computer program product that performs the method of claim 4 and is rejected under similar rationale.

26. **Regarding dependent claim 25**, it is a computer program product that performs the method of claim 5 and is rejected under similar rationale.
27. **Regarding dependent claim 26**, it is a computer program product that performs the method of claim 6 and is rejected under similar rationale.
28. **Regarding dependent claim 27**, it is a computer program product that performs the method of claim 7 and is rejected under similar rationale.
29. **Regarding dependent claim 28**, it is a computer program product that performs the method of claim 8 and is rejected under similar rationale.
30. **Regarding dependent claim 29**, it is a computer program product that performs the method of claim 9 and is rejected under similar rationale.
31. **Regarding dependent claim 30**, it is a computer program product that performs the method of claim 10 and is rejected under similar rationale.
32. **Regarding dependent claim 31**, it is a computer program product that performs the method of claim 11 and is rejected under similar rationale.
33. **Regarding dependent claim 32**, it is a computer program product that performs the method of claim 12 and is rejected under similar rationale.
34. **Regarding dependent claim 33**, it is a computer program product that performs the method of claim 13 and is rejected under similar rationale.
35. **Regarding independent claim 35**, it is a system that is essentially similar to claim 14, and is rejected under similar rationale.

36. **Claims 2, 15, 21-22, 34 and 36 are rejected under 35 U.S.C. 103(a) over IBM further in view of Cromarty et al. (USPN 6,393,442 B1—filing date 5/8/1998), hereinafter Cromarty.**
37. **Regarding dependent claim 2,** IBM fails to disclose retrieving said each node set of said received document; and reassembling required node sets of said received document into a second format. However, in col. 2, lines 50-67, Cromarty discusses analogous format transformation that takes a document in a source format and reassembles it into a target format. It would have been obvious to one of ordinary skill in the art at the time of the invention to reassemble documents in IBM in the manner of Cromarty in order to increase availability of documents in new formats.
38. **Regarding dependent claim 15,** it is a system for performing the method of claim 2 and it is rejected under similar rationale.
39. **Regarding dependent claim 21,** it is a computer program product that performs part of the method of claim 2 and is rejected under similar rationale.
40. **Regarding dependent claim 22,** it is a computer program product that performs the method of claim 2 and is rejected under similar rationale.
41. **Regarding independent claim 34,** it is a method that is essentially similar to claim 2 and is rejected under similar rationale.
42. **Regarding dependent claim 36,** it is a system for performing the method of claim 2 and it is rejected under similar rationale.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,915,259 (filing date 3/20/1996)—Murata

USPN 6,085,203 (filing date 9/20/1996)—Ahlers et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

  
STEPHEN HONG  
PRIMARY PATENT EXAMINER